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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/531,735    03/21/00    LEVIN

S    EPLC/03

EXAMINER

PM82/0410

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ART UNIT

PAPER NUMBER

3671

DATE MAILED:

04/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

# Office Action Summary

Application No.  
09/531,735

Applicant(s)  
Levin et al.

Examiner  
Árpád Fábián Kovács

Group Art Unit  
3671



☒ Responsive to communication(s) filed on Mar 21, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-11 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-11 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3671

## **DETAILED ACTION**

### ***Drawings***

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

3. Claims 1, 4 are objected to because of the following informalities: the phrase "each other motor" appears to be incorrect (claim 1, line 5); the phrase "said ... blade ... along a" appears to be missing a word such as -- situated -- (claim 4). Appropriate correction is required.

Art Unit: 3671

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim(s) 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Shurman et al (5007234).

Shurman discloses:

a plurality of blade assemblies having at least three cutting blades with a width and spaced apart to define a continuous cut segment (fig 1a; ref c) (in re claims 1-3);

each blade having an independently operable motor for rotating the blades (from ref 10a-10d);

a first plane along the first and third blade assemblies and a second plane along the second plane are **substantially** parallel (see fig 1a) (in re claim 4);

the second blade assembly is intermediate the first and third blade assemblies (the blade assembly situated between at least two blade assemblies on fig 1a) positioned such that their length is less than the cutting width (fig 1a) (in re claim 5);

the motor is in communication with a rotatable stub shaft (13).

Art Unit: 3671

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim(s) 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shurman et al (5007234), in view of Dewey (5404697).

Shurman discloses the claimed device (paragraph 5 above) except for clearly showing the motor and blade attachment details.

Dewey discloses that it is known in the art to provide a receiver & flexible members (12 & 48 & 38) for holding the blade & a motor rotatable stub (14), where the flexible members capable of moving between outward and inward positions to engage & retain the stub (see fig 2 & 5; column 2); the motor, stub, cutting blade, receiver are in coaxial alignment (fig 5); the stub includes an outer surface and the receiver member includes an inner surface (best shown on fig 1) where the outer & inner surfaces allow sufficient rotational play for the blade; the flexible member include flexible outwardly extending platforms (fig 3 & 4)..

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the mower of Shurman with the teachings of Dewey, for preventing debris wrapped around the rotating elements.

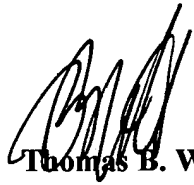
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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burch, Ku, Kallevig et al., Boains, Jr, James, Fleigle show closely related arts to applicant's invention.

Any inquiry concerning this communication should be directed to Árpád Fábíán Kovács at telephone number (703) 308-5897, or in my absence contact Thomas B. Will whose telephone number is (703) 308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for the Group is (703) 305-3597.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**GROUP 3671**

áfK/ÁFK  
April 3, 2001